United Nations S/2003/863

# Security Council

Distr.: General
5 September 2003

Original: English

## Nineteenth report of the Secretary-General on the United Nations Mission in Sierra Leone

## I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1492 (2003) of 18 July 2003, by which the Security Council requested me to report at regular intervals on progress made in achieving the key benchmarks that should guide the drawdown of the United Nations Mission in Sierra Leone (UNAMSIL) and in the planning of subsequent phases of the withdrawal. It also provides an assessment of the security situation, as well as the overall efforts to consolidate peace in Sierra Leone since my last report (S/2003/663), of 23 June 2003.

## II. Security situation

2. During the period under review, the security situation in Sierra Leone remained generally stable. There were no major incidents that threatened the prevailing stability in the country. UNAMSIL troops were put on alert after the death on 29 July of the former leader of the Revolutionary United Front (RUF), Foday Sankoh, in a Freetown hospital. However, Sankoh's death did not cause any major public reaction. The overall stability in the country has allowed UNAMSIL to complete the first stage of phase 3 of the drawdown plan (see S/2003/663, para. 37), which saw the departure of a Nigerian battalion in August 2003. It has also facilitated the process of further peace consolidation.

3. While the prevailing stability in Sierra Leone is encouraging, some of the problems highlighted in my previous reports still persist. The continuing influx of young men to the diamond mining areas of the Kono and Kenema districts remains a potential source of instability. The youth groups opposed to the participation of non-indigenous people in diamond mining have become increasingly vocal in some areas. It is encouraging to note, however, that the Government has stepped up its efforts to resolve these mining-related problems.

4. Another challenge to the consolidation of peace is the restiveness of some former elements of the Civil Defence Force (CDF), the Revolutionary United Front and the Armed Forces Revolutionary Council/ex-Sierra Leone Army, who are concerned, among other issues, about indictments by the Special Court for Sierra Leone. Early in August, President Ahmad Tejan Kabbah met with representatives of

03-48920 (E) 110903

the Civil Defence Force in Bo to address some of their grievances, including their claim that they were denied benefits promised during the conflict. While the meeting managed to forestall public protests, some CDF elements continue to seek the release of the former CDF National Coordinator and Minister for Internal Affairs, Sam Hinga Norman, who was indicted by the Special Court. Although CDF has retained some of its command and control structures, it does not appear to pose a serious threat to stability in the country at this time.

5. Despite those problems, UNAMSIL believes that there are no immediate internal threats to the security of Sierra Leone. The Mission has continued its drawdown in a gradual manner and has handed over security responsibilities to government forces in areas where there are relatively low security threats, mainly in the central part of the country. The Mission has already withdrawn its military contingents from the provincial towns of Kambia, Kabala, Kamakwie, Sumbuya and Pujehun and reduced their presence in other locations. Despite the Government's efforts to continue strengthening its capacity to take over security responsibilities from UNAMSIL, plans to deploy additional Sierra Leone police to areas vacated by UNAMSIL troops have been implemented only partially. So far, this has not affected the stability of the areas concerned; and UNAMSIL continues to actively monitor the security situation throughout the country.

6. Recent positive developments in Liberia will obviously have an impact on the stability of Sierra Leone. As mandated by the Security Council, UNAMSIL supported, at short notice, the deployment and initial sustainment of the first battalion and headquarters of the force of the Economic Community of West African States (ECOWAS) in Liberia (ECOMIL), whose deployment started on 4 August and was completed on 19 August. UNAMSIL also provided active support to my Special Representative for Liberia and will continue to do so until the Mission in Liberia is established.

7. Although the current situation in Liberia no longer poses an immediate threat to Sierra Leone, there are some concerns that former Sierra Leonean combatants who were reported to be fighting in Liberia may try to return to Sierra Leone. It is encouraging to note that the Government of Sierra Leone is preparing a contingency plan to respond to such an eventuality.

## III. Implementation of the modified status quo drawdown option

8. At the request of the Security Council, and after a careful assessment of the prevailing security situation, in my eighteenth report (S/2003/663) I presented a number of options for the remainder of the drawdown of UNAMSIL. The Security Council, in its resolution 1492 (2003), approved a "modified status quo" option, under which the completion of the withdrawal of the Mission from Sierra Leone is envisaged by December 2004. Under that option, phase 3 of the drawdown plan should be implemented in several stages.

9. During the previous phase of the drawdown, which was completed in May 2003, a total of 3,826 troops were withdrawn from the Mission, reducing troop strength from 16,900 to 13,074 personnel. Implementation of the current phase, which began in June 2003, envisages that the Mission's troop strength will be

gradually reduced to 5,000 by October 2004. The first stage of the exercise was completed in August 2003 with the departure of a Nigerian battalion from Makeni and Kamakwie in Sector Centre. This brought the Mission's troop strength down to 12,311. UNAMSIL will thoroughly evaluate the security situation at each stage.

10. Should the security environment remain favourable, the second stage of the current drawdown phase would be implemented starting in November 2003, and would see a reduction in the Mission's troop strength to 11,500 personnel. During that stage, the Mission would continue to repatriate troops from Sector Centre. During the third stage, to be implemented from December 2003 to June 2004, the entire Sector Centre will be handed over to the national security forces. The fourth stage of the exercise would run from September to October 2004. This will be one of the most critical stages in the plan, and will involve withdrawing all UNAMSIL forces from the eastern border area. As indicated earlier, at the end of that stage the Mission's troop strength would be 5,000 personnel.

# IV. Benchmarks

11. As indicated in my fifteenth report to the Security Council (S/2002/987), the pace of the drawdown of UNAMSIL is to be guided by specific benchmarks. The progress achieved towards the implementation of these benchmarks is described below.

## A. Strengthening the capacity of the Sierra Leone police

12. The Sierra Leone police continue to make steady progress towards assuming responsibility for the maintenance of law and order in Sierra Leone. With the support of UNAMSIL, the Commonwealth advisers, the United Kingdom's Department for International Development (DFID) and the United Nations Development Programme (UNDP), the pace of recruitment into the police force has accelerated, and the training of new recruits has been enhanced.

13. United Nations civilian police continue to provide expert advice in key areas; a total of 126 civilian police officers are currently deployed to UNAMSIL. There are 31 United Nations civilian police trainers who participate in training new recruits and police personnel, as well as 83 mentors deployed in 17 Sierra Leone police divisions throughout the country, including Freetown. There are also several staff officers based in the Mission's headquarters, including experts on cross-border and airport policing, who provide guidance and support to the Sierra Leone police. Consultations with the Government of South Africa to identify a suitable diamond-mining police adviser continue.

14. The deployment of the remaining personnel authorized by the Security Council in resolution 1436 (2002) has not yet been recommended by the Steering Committee, owing to constraints regarding absorption capacity. That Committee coordinates the efforts to strengthen the Sierra Leone police and comprises the Sierra Leone police, UNAMSIL, and the Commonwealth police advisers. It is chaired by the Inspector General of the Sierra Leone police.

15. As a result of verification of salary payments undertaken with the support of UNAMSIL and Commonwealth advisers, the Sierra Leone police was able to

establish a credible database of its personnel. The current strength of the police force has been established at 6,241 officers. The total number of the police is steadily increasing, however, as a result of the expansion of the Police Training School funded by UNDP and DFID. A total of 384 new police officers were recruited and trained in 2002. The number of new recruits is expected to rise to more than 700 in 2003 and 2,100 in 2004. At this rate, the Sierra Leone police could reach the target level of 9,500 police personnel by the end of 2005.

16. With United Nations civilian police and Commonwealth assistance, the Sierra Leone police has assessed policing needs in all districts and prepared a plan that envisages the deployment of 2,450 additional police personnel, almost doubling the current strength of 2,900 officers deployed in the 12 districts. Priority for the deployment of additional personnel will be given to the eastern region, where potential threats to law and order linked to diamond mining, vigilante youth groups, concentration of ex-combatants and border security are assessed as being the greatest. The deployment of more than 850 additional police personnel to the three districts of Kono, Kailahun and Kenema is scheduled to be completed by October 2004. This would significantly strengthen the capacity of the Sierra Leone police to assume responsibility for internal security as UNAMSIL vacates this key area.

17. This planned deployment hinges, however, on the provision of logistic and infrastructure support. While a recent grant from DFID should enable the Government to procure some essential communications equipment and transportation, efforts are focusing on identifying funding sources for the construction of barracks for the Sierra Leone police, which at present are practically non-existent in the provinces. Police stations and barracks also continue to be built with funding from the UNAMSIL Trust Fund, as well as from UNDP and DFID. I call upon donors to make an extra effort to allow this important programme to succeed.

18. United Nations civilian police trainers, in close collaboration with Commonwealth advisers, have focused on the training of recruits, train-the-trainer programmes, and the development of manuals, as well as specialized training relating to commercial crimes, criminal intelligence services, drug prevention, forensics, Interpol procedures and other key matters. In addition, United Nations civilian police and United Nations human rights and child protection officers have conducted a nationwide training programme for Sierra Leone police personnel, particularly those attached to the Family Support Units that are entrusted with monitoring and investigating domestic violence. During the period under review, a total of 865 Sierra Leone police personnel attended workshops in various areas of policing, including professional standards and ethics, human rights, basic computer skills, community policing, family support and handling of suspects. The impact of the exercise has been closely monitored, and a full assessment is to be prepared later this year.

## B. Strengthening the capacity of the armed forces

19. With invaluable bilateral assistance, the Republic of Sierra Leone armed forces have continued to enhance their effectiveness in assuming responsibility for the external security of Sierra Leone. They have also commenced downsizing the force, which should undergo a reduction in the number of its personnel from 14,000 to

10,500 by 2007. At the same time, the army has begun to reorganize its structure; and the armed forces have developed a revised concept of operations focusing on border operations and timely deployment of reserves. This approach is supported in part by the relocation and concentration of units to a smaller number of military bases set back from the border area. The plan to establish these bases has been funded by DFID and the Sierra Leone Ministry of Defence. To speed up the process of the construction of barracks, the army has retrained a number of its soldiers to carry out building work.

20. The challenges facing the armed forces, which have been highlighted in my previous reports, still persist, however. Inadequate logistics and the poor state of the army's transport fleet continued to hamper its operations. In addition, the paucity of command and control systems remains a significant weakness across the joint force and the Ministry of Defence. There is also an urgent need to improve the officer to soldier ratio, which is 1:21 at present. Currently, the Sierra Leone armed forces are at about one third below projected officer strength, which is approximately 800. The envisaged officer strength would bring the officer to soldier ratio to 1:15. Since my last report, considerable emphasis has been placed on developing officers' professional skills. Recently introduced progressive training for officers includes a literacy programme and information technology training.

21. The armed forces' ability to fill part of the role currently performed by UNAMSIL could be enhanced if mechanisms were formalized as soon as possible, which would ensure an operational interface between the Sierra Leone police and the armed forces in the event of a major internal threat to the security of the State. Furthermore, the realigning of brigade boundaries and the relocation of brigade headquarters to principal towns would also assist the development of the capability of the army.

## C. Consolidation of State authority

22. Progress continues to be made in the consolidation of State authority and in the recovery efforts of the Government and its development partners throughout the country. In addition to the completion of the deployment of government officials to all districts, efforts are being made to provide them with basic facilities, equipment and other logistics to improve their effectiveness. Recently, UNDP has provided communications equipment, computers, printers, filing cabinets and typewriters to the Ministry of Local Government and Community Development and the Office of the Chief Justice. The equipment, which has been installed in all 12 districts, will facilitate the flow of information and enhance the capacity of civil authority in the districts. The Government is also addressing other constraints, such as the poor state of transportation and accommodation for district officials.

23. At the same time, the Government continues to devote attention to the extension of the judiciary and the rule of law, with the support of UNDP and DFID in particular. Magistrates' courts are now functioning in all districts, and justices of the peace and itinerant magistrates are adjudicating cases. The deployment of justices of the peace has contributed to the resumption of court proceedings throughout the country and has led to a reduction in the backlog of pending cases. The lack of magistrates to cover all district courts remains a major constraint in the effective administration of justice, however. Significant donor support and

assistance will continue to be required in this area. Legal and institutional reforms will also be needed to strengthen in a comprehensive manner the entire justice system (courts, police and prisons). To that end, the Government of the United Kingdom has allocated £25 million for a project covering the justice sector to be launched early in 2004.

24. In the meantime, the preparation of draft legislation on local government reform and decentralization is under way. The draft is expected to be reviewed by the Cabinet before final adoption by Parliament. This in turn will pave the way for the holding of municipal, town and district council elections which it is now expected will be held in the first quarter of 2004. Early passage of the bill will facilitate the commencement of necessary logistical arrangements and other requirements by the National Electoral Commission. The Commission is expected to request technical and logistical support from the United Nations. According to the Commission, a minimum period of five months will be needed prior to the date of the elections for the organization of the elections, including updating voter registration. The Commission also estimates the financial requirement for the elections at about $8 million, about half of which will be requested from donors.

25. In an effort to deal with corruption, the Government is introducing a new procurement process for government contracts and services with the assistance of UNDP and the World Bank. Two special anti-corruption judges and a prosecutor are expected to take office shortly with the assistance of the Commonwealth.

26. Following the successful launch of a new National Youth Policy, the Ministry of Youth and Sports has finalized a comprehensive programme for young people that includes the opening of district offices in all provincial towns, recruitment and deployment of staff to the provinces and a seven-week nationwide sensitization of youth to the contents of the National Youth Policy.

## D. Reintegration of ex-combatants

27. The Government has made further progress in the provision of reintegration opportunities to ex-combatants. There is an outstanding caseload of about 6,000 ex-combatants to be included in the programme, and the National Committee for Disarmament, Demobilization and Reintegration expects to complete the process on schedule by the end of December 2003. External partners, including UNAMSIL, UNDP, DFID, the German Agency for Technical Cooperation and more recently the European Union, are supporting the Committee, in order to bring the process to completion through the delivery of parallel programmes.

28. As UNAMSIL draws down, the Mission will gradually scale down its stop-gap programmes, which, through engagement in small, labour-intensive community infrastructure projects, have supported reintegration efforts for ex-combatants. To reflect the shift in focus from ex-combatants to community-based programmes, UNAMSIL is directing remaining resources, in collaboration with other development agencies, to developing capacity for the reintegration of ex-combatants in their communities. This activity is supported by United Nations Volunteers by means of a special fund and is being implemented in close collaboration with the UNDP youth engagement programme and the Ministry of Youth and Sports of Sierra Leone.

29. The United Nations also continues to address the issue of residual small arms in the country. Pilot projects for the community arms collection and development programme, driven by UNDP and led by the Sierra Leone police, have been completed in four chiefdoms and are being expanded further. At the same time, the Government of Sierra Leone has established the Interim Commission on the Proliferation of Small Arms and Light Weapons. The Commission, in collaboration with the Sierra Leone police, is pursuing the legislative aspects of small arms control, including the development of a firearms licensing process.

## E. Restoration of Government control over diamond mining

30. During the reporting period, the Government has further enhanced its control over diamond mining. This is reflected in a substantial increase in licensed mining and the consequent rise in legal exports that by mid-2003 had surpassed the total official exports for 2002 of $42 million. The Government is making further efforts to improve the quality and number of mine monitors in key areas and has also commenced publishing diamond export analyses on a monthly basis. There is still ample evidence of widespread illegal mining, however. Together with the Government, UNAMSIL continues to conduct joint surveys and mapping of mining sites in various parts of the country, with a view to assisting in identifying and curbing illegal mining activities.

31. To address this complex issue effectively, an institutional framework has now been put in place. While the National Security Coordination Group regularly examines security issues relating to diamond mining, a High-level Steering Committee, comprising the Ministers for Finance, Mineral Resources and the Interior, the Sierra Leone police, UNAMSIL and donor representatives, addresses all substantive issues relating to the diamond-mining sector. The Government has also established a joint oversight committee headed by the Vice-President to monitor the enforcement of existing legislation on diamond mining. Ways to support the Sierra Leone police in its new law enforcement role in the mining areas are also being considered with the assistance of the United Nations civilian police. In addition, on 27 August, President Kabbah launched the USAID-supported Kono Peace Diamond Alliance in Koidu, which seeks to introduce community-based initiatives for better and more transparent management and utilization of diamond mining.

## F. Human rights, national reconciliation and justice

### 1. Monitoring and promoting human rights

32. Since my last report, there has been further progress in the human rights situation and the rule of law in the country. The Sierra Leone police are increasingly respecting the constitutional time limit for detention, while magistrates' courts have been hearing cases on a regular basis. This has led to a noticeable decrease in the number of persons in prolonged pre-trial detention. The improvement in the human rights situation is more visible in the provinces, where judicial coverage was particularly weak. To expand its training and capacity-building activities and to strengthen the consolidation of the rule of law across the country, the UNAMSIL Human Rights Section opened two new regional human rights offices, in Moyamba

and Kailahun, to be followed by other field offices in the districts of Bo, Kambia, Pujehun, Koinadugu and Tonkolili.

33. Notwithstanding the progress made, lack of judicial action on court cases persists in some areas. In particular, the trial of the so-called West Side Boys and former RUF members, who were arrested after the crisis of May 2000 and who have been awaiting trial without access to legal counsel since that time, has not made any significant headway. Similarly, there has been no progress in the trial related to the incident at Wellington Barracks in January 2003. The 17 persons then accused have remained in prison without any indication when they will stand trial.

### 2. Gender issues

34. The Human Rights Section, through its Gender Specialist, has continued actively to provide training on and advocate for gender mainstreaming and the promotion of women's rights, including the elimination of domestic violence and gender-related sexual violence, in particular in support of the Sierra Leone police's Family Support Units and local Gender-based Violence Committees throughout the country. Other important initiatives include participation in the production of an advocacy package on sexual and gender-based violence in cooperation with Sierra Leonean non-governmental organizations, and a three-day workshop on women's law reform organized by the Ministry of Social Welfare, Gender and Children's Affairs.

### 3. Protection of children

35. As UNAMSIL draws down, it will be important to strengthen the structures and programmes of the Government of Sierra Leone and its partners in order to address the most pressing child protection concerns. In particular, these include the huge gaps in education, health care and recreation, the growing problem of street children, the rampant sexual and domestic violence against children, the poor state of the juvenile justice system, child labour, particularly in diamond mining, idle youth and youth violence and children with disabilities.

36. UNAMSIL and the United Nations Children's Fund (UNICEF) are encouraging closer collaboration with the Government, the National Commission for War-Affected Children and child protection agencies in developing appropriate response strategies, including continued efforts to enhance local capacity and promote law reform for the protection of children. Of particular concern is the long-term reintegration of children associated with the fighting forces and of children separated from their families. The core reintegration programme, the successful UNICEF Community Education Investment Programme, requires urgent funding for the next school year. Programmes to address the needs of those bypassed by the formal disarmament, demobilization and reintegration programme, particularly girls, continue to be developed. UNICEF and UNAMSIL are working with the Truth and Reconciliation Commission and the Special Court to ensure that these institutions help to safeguard the rights and well-being of children.

37. Within UNAMSIL, the mainstreaming of child protection has continued with the systematic training of military personnel and the development by the contingents of plans of action in child protection, which include community support projects benefiting children. In addition, close collaboration has been established with the military and the United Nations civilian police. To that end, a child protection focal

point has been designated at every military observer team site, and the United Nations civilian police have included child protection concerns in their training and mentoring activities. UNAMSIL is also working with ECOWAS to address cross-border child protection concerns.

### 4. Truth and Reconciliation Commission

38. On 6 August, the Truth and Reconciliation Commission ended its four-month period of public hearings, both individual and thematic. The hearings, which were largely well received in all 12 districts and were at times aired live on Radio UNAMSIL, have helped to create awareness and a much more favourable public opinion towards the Commission. Although the majority of witnesses who came forward to testify before the Commission were victims of the conflict, a number of perpetrators, including ex-combatants, also provided testimony. This enabled the Commission to stage numerous symbolic reconciliation sessions between perpetrators who were prepared to repent of their actions and victims who were willing to forgive. The Commission is scheduled to conclude its operations in October after the submission of its final report. The Commission is unlikely to complete its remaining workload within the stated period, however. Discussions are currently ongoing among the Commission members, the Office of the United Nations High Commissioner for Human Rights and the Government of Sierra Leone to seek an extension of the mandate of the Commission.

39. A number of ministers, leaders of political parties, former presidents and other principal actors during and after the war have appeared before the Truth and Reconciliation Commission. As a last witness on 5 August, President Kabbah gave a comprehensive presentation of developments during the war. He further praised the work of the Commission and reiterated his Government's support to follow-up mechanisms, such as a permanent National Human Rights Commission. In discussions with UNAMSIL, the Government has agreed to pursue the establishment of such a commission jointly with UNAMSIL and representatives of civil society.

### 5. Special Court

40. The Special Court for Sierra Leone continued with pre-trial hearings for the nine individuals indicted for war crimes. Some of the Special Court's initial indictments include crimes committed against children. On 30 July, the Special Court announced that the former RUF leader, Foday Sankoh, had passed away on 29 July in a Freetown hospital after a protracted illness. The Court indicated that Mr. Sankoh, who was awaiting trial, had died of natural causes.

41. In my last report, I informed the Council that the Special Court had indicted the President of Liberia, Charles Taylor, who later resigned from the Presidency and left the country on 11 August. The previous Government of Liberia has filed an appeal against the Government of Sierra Leone before the International Court of Justice on the indictment against Charles Taylor.

42. UNAMSIL continued to provide essential security and logistical support to the Special Court. On 10 August, the Court transferred the remaining eight indictees from its detention facility at Bonthe Island to the permanent site of the Court in Freetown. UNAMSIL, jointly with the Sierra Leone armed forces and police, provided assistance in the move. The Mission has deployed two platoons to the Court premises in Freetown on a permanent basis to augment the Court's security.

The Registrar has been actively consulting with UNAMSIL and other agencies on measures to promote women's rights in the context of the Court's work, including the provision of gender training for judges and the media, and gender-sensitive witness protection programmes which would include trauma and psychological counselling. At the same time, Radio UNAMSIL has provided the Court with airtime on a weekly basis for its outreach programme.

### 6. HIV/AIDS

43. In accordance with Security Council resolution 1308 (2000), UNAMSIL continued to raise awareness among its military and civilian personnel on the impact of HIV/AIDS. Since the launch in March 2003 of a joint initiative by the Secretariat, UNAMSIL and United Nations agencies on HIV/AIDS in Sierra Leone, some 150 military personnel have been trained as peer trainers on HIV/AIDS, focusing on prevention, knowledge, attitude and behaviour change. The HIV/AIDS theme group, chaired by UNICEF and composed of United Nations agencies, UNAMSIL, non-governmental organizations, the National Commission for Social Action and the National HIV/AIDS secretariat, is preparing for an HIV/AIDS prevalence survey in the near future and is developing a national HIV/AIDS plan.

## V. Humanitarian, recovery and development efforts

44. Following the verification exercise undertaken by the Office of the United Nations High Commissioner for Refugees (UNHCR) and other partners in May 2003, provisional results reveal an overall 10 per cent reduction in the number of Liberian refugees in Sierra Leone. As at 23 August, the number of Liberians in camps was 54,298, and there was a caseload in the urban areas of Bo and Kenema of 7,886 refugees, and an estimated 4,000 in border areas, bringing the total number of confirmed refugees in Sierra Leone to 66,184.

45. Ensuring appropriate levels of service provision in camps remains a challenge, especially during the rainy season when morbidity rates increase rapidly. In general, conditions in the camps are satisfactory and there is sufficient capacity in camps and way-station facilities for 8,000 additional refugees. Recent upheavals in Monrovia have had rather limited impact along the border regions. Throughout the month of June, slightly more than 2,500 Liberians crossed over into Kailahun district, some of whom are thought to be relatives and followers of surrendering Liberian soldiers. In the first week of August, only very small numbers of returnees and refugees entered Sierra Leone across the Mano River Bridge.

46. At the same time, the repatriation of Sierra Leonean refugees from Guinea slowed down and was eventually suspended with the onset of heavy rains. Overland repatriation from Guinea is expected to resume late in November or early in December when road conditions improve. There are currently slightly more than 15,000 registered refugees remaining in camps in Guinea awaiting repatriation in the latter part of 2003.

47. Repatriation from Liberia, however, recommenced for a short period on 4 July, with an emergency evacuation of Sierra Leonean refugees from Monrovia by sea. Some 1,250 Sierra Leoneans were repatriated before the operation was terminated towards the end of July because of insecurity. With the deployment of ECOMIL and the withdrawal of rebels of the Liberians United for Reconciliation and Democracy

from Bushrod Island in Liberia, repatriation by sea from Monrovia was resumed on 13 August. The first boat carrying 206 Sierra Leoneans arrived in Freetown on 19 August. Operations are expected to continue throughout September.

48. Meanwhile, joint support to the national recovery process continues. UNAMSIL, the Office for the Coordination of Humanitarian Affairs and UNDP supported a national data collection exercise with all District Recovery Committees in June. The information gathered will be utilized to monitor progress on the national recovery benchmarks and to plan future recovery and longer-term interventions.

49. The Government, supported by donors, has made considerable progress in stabilizing the economy. In 2002, real GDP increased by an estimated 6.6 per cent, marking the third year of sustained economic recovery, and it is expected to maintain a similar level in 2003. Post-conflict recovery is being sustained by the dynamic growth of donor-financed imports, large-scale resettlement and reconstruction activities, major increases in land under cultivation, growing mining activity and domestic commerce, and increasing investor confidence, as well as growing remittances, investments and tourism on the part of the large Sierra Leone expatriate community, and broadly sound fiscal and monetary policies.

50. The 2003 macroeconomic programme targets real GDP growth of 6.5 per cent, and modest inflation of about 3 per cent. The officially registered output of diamonds rose by 84 per cent during the first quarter of 2003; this originated entirely from alluvial diamond mining. A major kimberlite diamond mine is expected to begin producing in the third quarter of 2003. Substantial progress has also been made in readying rutile mining for renewed production at the beginning of 2004.

51. As indicated in my previous report to the Council, fiscal and monetary policies will need to be carefully managed to blunt the effect of oil price increases on the recovery, prices, balance of payments and real incomes. After declining in 2002, the rate of inflation rose to 6.5 per cent in the first quarter of 2003, largely because of the spike in oil prices. The increases in the domestic prices of petroleum products ranged from 23 per cent for gasoline to 36 per cent for kerosene. At the same time, gross international reserves decreased sharply in the first part of 2003, then rebounded in May-June, but were still 8 per cent below the level of December 2002. The exchange rate depreciated about 6 per cent during the first quarter of 2003, and also contributed to price inflation. If monetary policies are well managed in a consistent manner, the recent rise in the price index may not translate into sustained inflation. Preliminary data indicate that the overall fiscal deficit was kept well below the programmed level.

52. The United Nations country team, in particular UNICEF, UNHCR, the World Health Organization, the United Nations Population Fund, UNDP, the World Food Programme, the Food and Agriculture Organization of the United Nations and the World Bank, is pursuing a multidimensional and community-based approach in support of the Government's strategies and efforts. This approach aims at extending primary health-care services to the poor and returning populations; increasing access to quality primary education, particularly for girls; raising the level of HIV/AIDS awareness; significantly enhancing access to safe water and sanitation; helping communities to rebuild the country's war-damaged housing; and supporting capacity-building for national institutions. Under the framework of the "4R

Initiative" (repatriation, reintegration, rehabilitation and reconstruction), the United Nations country team is in the process of establishing transition support teams to ensure continuing integrated planning and programme implementation as recovery advances.

53. Although substantial progress has been made, much remains to be done to meet the ongoing recovery challenges of the country. UNAMSIL, through its Trust Fund, continues to finance a wide range of activities, covering school rehabilitation/construction, construction of magistrates' courts, police stations and district offices, skills training and agricultural projects, trauma healing, the reintegration of ex-combatants and child soldiers into society, and the supply of equipment and furniture to help build the capacity of key institutions. To date, 73 projects have been undertaken with contributions from the Governments of Canada, Italy, Japan, the Netherlands and Sweden amounting to a total of $1.3 million. In addition, UNAMSIL is strengthening civil-military cooperation with local communities through the implementation of quick-impact projects by military contingents.

54. At the end of June, a Joint Humanitarian Review Mission comprising the United Nations, non-governmental organizations and other donor partners visited the subregion. This was followed by a regional meeting in Dakar on 17 and 18 July, at which the participants sought to develop a joint regional strategy to address issues of protection, coordination, food aid, health, demobilization and peace-building. The United Nations, non-governmental organizations and donors are committed to working more closely together to address the broader issues and problems in the subregion.

## VI. Financial aspects

55. The General Assembly, by its resolution 57/291 B of 18 June 2003, appropriated the amount of $543.4 million gross for the maintenance of UNAMSIL for the financial period from 1 July 2003 to 30 June 2004. Therefore, should the Security Council approve my recommendation, set out in paragraph 64 below, as to the extension of the mandate of UNAMSIL, the cost for the operation and maintenance of the Mission during the extension period will be limited to resources approved by the General Assembly.

56. As at 31 July 2003, unpaid assessed contributions to the special account for UNAMSIL amounted to $181.7 million. The total outstanding assessed contributions for all peacekeeping operations at that date amounted to $1,306.2 million.

## VII. Observations and recommendations

57. During the period under review the further progress achieved towards peace consolidation in Sierra Leone and the overall security environment in the country have enabled UNAMSIL to continue the progressive drawdown of its military component as approved by the Security Council. The responsibility for national security in some parts of the country is being shifted to the Government of Sierra Leone whose efforts aimed at augmenting the overall capacity of its national police

and armed forces are encouraging. Despite these encouraging developments, however, serious challenges remain.

58. The lack of adequate equipment and infrastructure remains a critical element in enhancing the capacity of the Sierra Leone police and army and in enabling them to effectively take over the responsibility for security throughout the country, especially in the border areas. Much also remains to be done to strengthen the presence of the Sierra Leone police in the areas to be vacated by UNAMSIL, especially in the potentially volatile eastern region of the country. Once again, I urge the Government and its international partners to expeditiously address the logistical and infrastructure needs of both the police and the army.

59. The current planning to enhance the capacity of the Sierra Leone police indicates that the target of bringing the strength of the Sierra Leone police to its pre-war level of 9,500 may be achieved by the end of 2005, a year after UNAMSIL is expected to leave Sierra Leone. UNAMSIL will continue to monitor closely and to report on progress in the effectiveness of the police force, as well as on its impact on overall conditions in the country.

60. The Government of Sierra Leone has made commendable efforts to address the serious issues relating to the control of diamond mining. Action must be taken rapidly, however, to ensure that the national diamond industry is effectively regulated for the benefit of the whole country. The establishment of a computerized data bank on mining licences, as well as the review of incentives and remuneration for field staff of the Ministry of Mineral Resources and the use of banking channels for all diamond trading transactions, would be a very important step in this regard. The Government's efforts to progressively empower the Sierra Leone police to enforce the diamond-mining and trading legislation are equally vital. It is expected that these efforts will be vigorously pursued so as to forestall any potential threats to stability arising from the uncontrolled exploitation of natural resources. In this regard, I urge Member States to make available to UNAMSIL experienced candidates for the key post of diamond-mining police adviser.

61. As has already been pointed out in my previous reports, the continued existence of the Civil Defence Force structure has the potential of undermining the long-term stability of the country. The recent appeals by the group members for the release of their former National Coordinator are a reminder of the potential danger that the Civil Defence Force may pose to various communities. The Government should therefore ensure that the CDF structure is completely dismantled.

62. In the justice sector, the Government of Sierra Leone has made steady progress in improving the situation of human rights and extending the rule of law. Its initiative to use justices of the peace — to fill in where magistrates are not yet available — should be commended. Nonetheless, serious problems persist in the effective administration of justice. I appeal to donors to provide funding for this critical area and to support the establishment of a National Human Rights Commission.

63. The Government and people of Sierra Leone are to be commended for the progress made in the reintegration of former combatants. The intention of the National Committee for Disarmament, Demobilization and Reintegration to complete the programme by the end of 2003 deserves the encouragement and support of the international community. The completion of the disarmament,

demobilization and reintegration programme on schedule would constitute an outstanding success for all concerned, including UNAMSIL, and could serve as a useful example for other countries of the subregion, such as Liberia and Côte d'Ivoire.

64. In the light of the above, and given the need to continue the gradual drawdown of UNAMSIL without jeopardizing the security situation in Sierra Leone, I recommend that the Security Council extend the mandate of UNAMSIL for a further period of six months, until 31 March 2004.

65. The recent important developments in Liberia have given rise to cautious optimism about the future. It is hoped that the comprehensive peace agreement signed in Accra will lead to more stability in Liberia in the short term, and that it will open the way to free and fair elections. An unregulated return to Sierra Leone of former combatants who may have been involved in the fighting in Liberia would however be a matter of serious concern.

66. In conclusion, I should like to express my deep appreciation to the Security Council and troop- and police-contributing countries, as well as to ECOWAS and donor countries for their unwavering support to the peace consolidation process in Sierra Leone. I also wish to pay tribute to my former Special Representative, Oluyemi Adeniji, for the outstanding contribution he has made towards the restoration of peace in Sierra Leone. Finally, I wish to express my deep appreciation to all UNAMSIL military and civilian personnel, other United Nations agencies and non-governmental organizations for their important contribution to the impressive progress made in Sierra Leone.

Map No. 4132 Rev. 24 UNITED NATIONS
September 2003

Department of Public Information
Cartographic Section

United Nations S/2003/863/Add.1

# Security Council

Distr.: General
18 September 2003

Original: English

## Nineteenth report of the Secretary-General on the United Nations Mission in Sierra Leone

**Addendum**

03-52402 (E) 180903

## United Nations Mission in Sierra Leone: contributions as at 1 September 2003

| *Country* | *Military observers* | *Staff officers* | *Troops* | *Sector headquarters staff* | *Total* |
|---|---|---|---|---|---|
| Bangladesh | 15 | 15 | 2 208 | 65 | 2 303 |
| Bolivia | 6 | | | | 6 |
| Canada | 5 | | | | 5 |
| China | 6 | | | | 6 |
| Croatia | 10 | | | | 10 |
| Czech Republic | 5 | | | | 5 |
| Denmark | 2 | | | | 2 |
| Egypt | 10 | | | | 10 |
| Gambia | 15 | | | | 15 |
| Germany | | | 16 | | 16 |
| Ghana | 7 | 9 | 776 | | 792 |
| Guinea | 12 | 1 | | | 13 |
| Indonesia | 10 | | | | 10 |
| Jordan | 10 | 1 | 120 | | 131 |
| Kenya | 12 | 13 | 988 | | 1 013 |
| Kyrgyzstan | 2 | | | | 2 |
| Malaysia | 10 | | | | 10 |
| Mali | 8 | | | | 8 |
| Nepal | 10 | 4 | 800 | | 814 |
| New Zealand | 2 | | | | 2 |
| Nigeria | 9 | 15 | 1 549 | 59 | 1 632 |
| Pakistan | 15 | 16 | 3 786 | 48 | 3 865 |
| Russian Federation | 13 | 4 | 110 | | 127 |
| Slovakia | 2 | | | | 2 |
| Sweden | 3 | | | | 3 |
| Thailand | 5 | 5 | | | 10 |
| Ukraine | 5 | 4 | 613 | | 622 |
| United Kingdom of Great Britain and Northern Ireland | 15 | 7 | | | 22 |
| United Republic of Tanzania | 12 | | | | 12 |
| Uruguay | 11 | | | | 11 |
| Zambia | 9 | 5 | 818 | | 832 |
| **Total** | **256** | **99** | **11 784** | **172** | **12 311** |

*Notes*:
*Authorized military strength*: 13,000 (not including up to 260 military observers).
Force Commander: Kenya; Deputy Force Commander/Chief Military Observer: Pakistan.
*Civilian police*: Bangladesh: 2; Canada: 9; Gambia: 2; Ghana: 8; India: 5; Jordan: 7; Kenya: 9; Malawi: 2; Mauritius: 2; Malaysia: 6; Namibia: 2; Nepal: 12; Nigeria: 4; Norway: 3; Russian Federation: 3; Sweden: 3; Turkey: 6; United Kingdom: 10; United States of America: 1: United Republic of Tanzania: 1; Zambia: 7; Zimbabwe: 10.

United Nations A/58/349-S/2003/864

# General Assembly
# Security Council

Distr.: General
5 September 2003
English
Original: Arabic

**General Assembly**
**Fifty-eighth session**
Item 38 of the provisional agenda*
**The situation in the Middle East**

**Security Council**
**Fifty-eighth year**

## Letter dated 4 September 2003 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General

On instructions from my Government, and further to letter No. 949/2003 from the Permanent Mission of Lebanon on 11 August 2003, and as a confirmation, I hereby transmit a list of excessive violations and aggressions by Israel against Lebanon from 23 August 2003 to 3 September 2003.

**23 August 2003**

- Between 3.50 and 4.05, enemy forces launched four mortar shells towards the area of Kfarshouba.
- At 18.00, Israeli forces located in Ruweisat Al-Alam attacked a goat herd with several rounds of artillery near Kfarshouba village, killing several goats.
- Between 20.40 and 21.50, Israeli forces launched several mortar shells (120mm) towards the Nakkar lake and Radar hill.

**24 August 2003**

At 11.40, the Israeli air force violated Lebanese airspace from Tripoli to Batroun Shikka and later headed southwards to the Jounieh, Aleih, Shouf, and Damour regions; they left at 11.50 over the sea facing Saida.

**26 August 2003**

Between 10.25 and 12.20, six Israeli military aircraft violated Lebanese airspace and flew over various Lebanese areas.

* A/58/150.

03-49035 (E) 080903 080903

**27 August 2003**

At 12.20, the Israeli air force flew over the Tebnin and Bint Jbeil regions and the Shebaa farms and left our airspace at 13.00.

**31 August 2003**

At 12.25, the Israeli air force overflew the regions of Tebnin, Bint Jbeil, Nabatiyah, Marjeyoun, and Hasbaya and left at 13.15.

**3 September 2003**

Between 18.40 and 19.15, Israeli military and reconnaissance aircraft flew in Lebanese airspace over Ramiah at different altitudes and encountered anti-aircraft fire from Lebanese resistance. Immediately thereafter, at 19.48, two Israeli military aircraft entered Lebanese airspace from above Nakoura towards the north and performed circular overflights between Nakoura, Alma Al-Shaab, Qana and Sour and left at 19.50. At 20.05 on Radar hill, in the area around Bayadah and Mansouri villages, they dropped in two sets, four air-to-ground missiles; they left Lebanese airspace at 20.25 over the sea facing Nakoura.

In addition to air and land violations, Israeli vessels daily fire flare bombs and rounds at the demarcation line of Lebanese territorial waters.

These aggressions confirm the Israeli pattern of enmity. The type and number of these violations, which are without any justification or excuse, confirm the premeditated intention of Israel to threaten, provoke and undermine security and stability in order to serve its aggressive and expansionist objectives in the whole region.

The Mission of Lebanon draws the attention of the Secretary-General to the danger of these acts of aggression and their consequences, and requests the circulation of this letter as an official document of the General Assembly and of the Security Council under agenda item 38.

(*Signed*) Sami **Kronfol**
Permanent Representative

United Nations A/ES-10/235-S/2003/865

# General Assembly
# Security Council

Distr.: General
8 September 2003

Original: English

**General Assembly**
**Tenth emergency special session**
Agenda item 5
**Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory**

**Security Council**
**Fifty-eighth year**

## Identical letters dated 8 September 2003 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

Israel, the occupying Power, has not for one day ceased its vicious and lethal military campaign against the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem. Among the countless violations of international law and international humanitarian law being committed by the occupying Power, the Israeli occupying forces continue fervently to carry out extrajudicial killings. On Saturday, 6 September, the occupying forces targeted for assassination the spiritual leader of Hamas, Sheikh Ahmed Yassin, by dropping a 550-pound bomb from a warplane on a building in the densely populated area of Gaza City in which he was located. The bomb caused immense destruction to the building and wounded 15 Palestinians, including Sheikh Yassin, who survived the attack. This was followed by another attack, launched last night by Israeli helicopter gunships, near Khan Yunis, which wounded another 11 Palestinian civilians.

The attempted extrajudicial killing of Sheikh Yassin was followed by a declaration by Israeli Prime Minister Ariel Sharon that all Hamas leaders were "marked for death". Public announcements such as that and the continued pursuit by Israel of such an illegal, immoral and inhumane policy in complete disregard, contempt and violation of international law, including international humanitarian law, have reached a fever pitch. When public officials openly boast of committing such war crimes and illegal actions, the insanity of the situation becomes abundantly clear and the potential for a gravely dangerous decline of the situation in the coming period becomes extremely alarming. Muted condemnations of these actions on the part of the international community clearly do not help to inhibit such unprecedented bloodletting in the Occupied Palestinian Territory.

In this regard, we must also call to your attention the continuous and repeated threats being made by several Israeli officials to expel or deport or even kill Palestinian President Yasser Arafat. Such threats clearly reveal the arrogance and disdain of the Israeli Government vis-à-vis the Palestinian leadership and the Palestinian people, when representatives of the Government speak as if the

03-49098 (E) 090903

Palestinian people and the Palestinian territory are their property to do with as they please, ignoring international law prohibiting the occupying Power from carrying out deportations, let alone of an elected leader. Carrying out this threat or even the constant repetition of this threat will clearly convey to the Palestinian people Israel's evil intentions on all fronts and will terminate any peace efforts to end the conflict.

As the situation on the ground in the Occupied Palestinian Territory, including East Jerusalem, continues to deteriorate dangerously, the international community must seriously examine its positions and actions vis-à-vis Israel, the occupying Power, that have permitted it to so flagrantly and constantly violate international law. Urgent measures must be taken by the international community, including in particular by the Security Council, to remedy this situation and to ensure that Israel complies with international law, international humanitarian law and the Charter of the United Nations. Indeed, the Palestinian people continue to look to the international community to uphold international law and to bring an end to the Israeli occupation of and onslaught against the Palestinian people, their leadership and their land.

This letter is in follow-up to our previous 172 letters to you regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 2 September 2003 (A/ES-10/234-S/2003/853), constitute a basic record of the crimes committed by the Israeli occupying forces against the Palestinian people since September 2000. For all of these war crimes, State terrorism and systematic human rights violations committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

Accordingly, in follow-up to the above-mentioned letters, it is my regret to inform you that, since my last letter, at least 5 Palestinians have been killed by the Israeli occupying forces, raising the total number of martyrs to 2,527 Palestinians. (The names of the martyrs that have been identified thus far are contained in the annex to the present letter.)

I would be grateful if you would arrange to have the text of the present letter and its annex distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Nasser **Al-Kidwa**
Ambassador
Permanent Observer of Palestine to the United Nations

## Annex to the identical letters dated 8 September 2003 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

## Names of the martyrs killed by the Israeli occupying forces in the Occupied Palestinian Territory, including Jerusalem*

**Wednesday, 3 September 2003, through Monday, 8 September 2003**

**Wednesday, 3 September 2003**

Ali Hussein Abu Selim (died from wounds sustained on 28 August 2003)

**Friday, 5 September 2003**

Mohammed Abdelrahim Yousef Al-Hanabli

**Saturday, 6 September 2003**

Khaled Mahmoud Mustafa Maswoud (died from wounds sustained on 26 August 2003)

**Sunday, 7 September 2003**

Mohammed Abdallah Abu Al-Hosni (17 years old)

**Monday, 8 September 2003**

Ahmed Mufeed Halawah

---

* The total number of Palestinian martyrs killed by the Israeli occupying forces since 28 September 2000 is 2,527.

United Nations S/2003/866

# Security Council

Distr.: General
9 September 2003

Original: English

## Letter dated 5 September 2003 from the Permanent Representative of Italy to the United Nations addressed to the Secretary-General

I have the honour to draw your attention to the statement on Daw Aung San Suu Kyi issued on 5 September 2003 by the President of the European Union on behalf of the European Union (see annex).

I should be grateful if the text of this letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Marcello **Spatafora**
Permanent Representative of Italy to the United Nations

03-49277 (E) 100903

## Annex to the letter dated 5 September 2003 from the Permanent Representative of Italy to the United Nations addressed to the Secretary-General

[Original: English and French]

## Statement on Daw Aung San Suu Kyi issued on 5 September 2003 by the President of the European Union on behalf of the European Union

The European Union notes with grave concern the reports that Daw Aung San Suu Kyi may have started a hunger strike.

The European Union holds the view that the best way for the Government of Burma/Myanmar to dismiss these reports is to proceed immediately to her release and grant access to the European Union Ambassadors or to representatives of internationally recognized organizations.

The European Union considers the Government of Burma/Myanmar to be responsible for the health and welfare of all political prisoners.

The acceding countries Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia, the associated countries Bulgaria, Romania and Turkey and the EFTA countries members of the European Economic Area align themselves with this statement.

United Nations S/2003/867

# Security Council

Distr.: General
9 September 2003

Original: English

## Letter dated 8 September 2003 from the Permanent Representative of Poland to the United Nations addressed to the President of the Security Council

Upon instructions from my Government, I have the honour to forward herewith a letter from the Minister for Foreign Affairs of the Republic of Poland, Wlodzimierz Cimoszewicz, addressed to the President of the Security Council and concerning Poland's response to the appeal contained in Security Council resolution 1483 (2003) to assist the Iraqi people in rebuilding their country politically and economically (see annex).

I should be grateful if you could arrange for the circulation of the present letter as a document of the Security Council.

(*Signed*) Janusz **Stanczyk**
Ambassador
Permanent Representative

03-49256 (E) 100903

## Annex to the letter dated 8 September 2003 from the Permanent Representative of Poland to the United Nations addressed to the President of the Security Council

1. Responding to the appeal contained in Security Council resolution 1483 (2003) to assist the people of Iraq in their efforts to reform their institutions and rebuild their country and to contribute to conditions of security and stability in Iraq, and fulfilling the commitments assumed under the framework of the Coalition Provisional Authority, the Republic of Poland has decided to dispatch its stability forces (both military and an adequate civilian component) and lead a multinational division of stability forces, deployed in the central-south sector of Iraq, consisting of the provinces of al-Qadisiyah, an-Najaf, Karbala, Wasit and Babilon. That deployment commenced officially on 3 September 2003.

2. The purpose of the actions at hand, taken jointly with the Coalition Provisional Authority and the International Coordinating Committee, and in cooperation with the Iraqi Governing Council and with representatives of the local community and Iraqi non-governmental organizations, as well as with the Special Representative of the Secretary-General within his independent responsibilities, is the establishment of foundations of security and stability conducive to the reconstruction and rehabilitation of Iraq, including in particular the creation of conditions in which the Iraqi people can freely determine their own future.

3. In its statement of 15 July 2003, the Ministry of Foreign Affairs of the Republic of Poland welcomed the establishment of the Governing Council in Iraq as a major step towards a new and democratic Iraqi State, a task in which Poland wishes to assist.

4. Apart from the aforementioned tasks in the creation in Iraq of conditions of security and stability, Poland will provide, pursuant to resolution 1483 (2003), assistance to Iraq in social, economic and political reconstruction, including the creation of foundations for the respect of universally recognized human rights, good governance, as well as the protection of its territorial integrity and its full sovereignty over the natural resources.

5. These measures will be pursued in full respect of Iraq's ethnic, cultural and religious identity and also with a view to ensuring the protection of its rich cultural heritage.

6. Given the current situation in Iraq and willing to demonstrate its solidarity with the people of Iraq, Poland decided to respond constructively to Security Council resolution 1483 (2003) so as to accelerate the transfer of responsibility for the future of their own country to the interim Iraqi authorities.

7. Poland, as a country undergoing successfully its own transformation, stands ready to share its rich experience in this regard with the people of Iraq. The traditional friendship between the peoples of Poland and Iraq was an important factor motivating Poland's decision.

8. The Republic of Poland believes that resolution 1500 (2003), as recently adopted by the Security Council, in which the Council reaffirmed the sovereignty and territorial integrity of Iraq, welcomed the establishment of the broadly representative Governing Council of Iraq and established the United Nations

Assistance Mission for Iraq, represents an important step in achieving the objectives of resolution 1483 (2003).

9. At the same time, the Republic of Poland firmly declares itself in support of elaborating such arrangements as might create the conditions for the entire international community to bear the responsibility and costs in the reconstruction and rehabilitation of Iraq. Those arrangements would help Iraq assume, as soon as possible, a dignified place among the nations of the world, one which it fully deserves on account of its rich civilizational heritage, the intellectual capabilities and potential of the Iraqi people, as well as the country's natural resources. The United Nations should be given a vital role to play under such arrangements.

10. Poland considers the recent terrorist assault against the United Nations headquarters in Baghdad as an attack against the entire international community. In response, all nations of the world should tighten their cooperation in the struggle against threats to international peace and security, including international terrorism.

I should be grateful if you could arrange for the present letter to be circulated as a document of the Security Council.

(Signed) W. **Cimoszewicz**

United Nations S/2003/868

# Security Council

Distr.: General
10 September 2003

Original: English

## Letter dated 9 September 2003 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 11 June 2003 (S/2003/647).

The Counter-Terrorism Committee has received the attached third report from Turkmenistan submitted pursuant to paragraph 6 of resolution 1373 (2001).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Inocencio F. **Arias**
Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

03-49506 (E) 290903 021003

## Annex

### Letter dated 4 September 2003 from the Permanent Representative of Turkmenistan to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

In reference to your letter dated 11 July 2003, attached please find the third report of the Government of Turkmenistan pursuant to paragraph 6 of Security Council resolution 1373 (2001) (see enclosure).

(*Signed*) Aksoltan **Ataeva**
Ambassador
Permanent Representative

## Enclosure

[Original: Russian]

# Report of Turkmenistan on the supplementary questions from the Counter-Terrorism Committee on measures to implement Security Council resolution 1373 (2001)

### Paragraph 1: Implementation measures

### Paragraph 1.2

Turkmenistan's legislation does not specifically define terrorism as a predicate offence. The Criminal Code of Turkmenistan (art. 271) defines terrorism as causing an explosion or fire or carrying out other acts that jeopardize human life, cause significant property damage or that have other dangerous consequences for society, where those acts are committed to violate public security, cause panic or influence decision-making by government authorities, including the threat to commit such acts for those purposes. Financial institutions establish the identity of their clients on the basis of documents presented upon the opening of currency accounts and may, on their own initiative, report suspicious transactions to the competent authorities in Turkmenistan (Department for Combating Economic Crimes, Ministry of Internal Affairs).

### Paragraph 1.3

*The obligation of financial institutions to establish the identity of their clients and report suspicious transactions*

When money orders in freely convertible currency exceed $5,000 (or its equivalent in another foreign currency) and/or are regular in nature, or the amount involved in transactions over a three-month period totals $15,000, the competent bank is required to request documents from the physical person confirming their origin or grounds for receipt of the funds. (Rules governing the procedure to be followed by banks in the territory of Turkmenistan when carrying out foreign currency transactions, approved by decree No. 5490 of 7 January 2002 on measures to regularize foreign currency transactions in the territory of Turkmenistan.)

The financial institutions of Turkmenistan, including banks, establish their clients' identity, but only report on clients' transactions to competent authorities upon official request, since, in accordance with article 20 of the Act on commercial banks and banking activities, banks of Turkmenistan, including the Central Bank, guarantee secrecy with respect to the transactions, accounts and deposits of their clients and correspondents. All bank staff are required to preserve secrecy with respect to such transactions, accounts and deposits.

Article 11 of the Act on commercial secrecy establishes that the provision of information constituting a commercial secret is defined as the transfer of such information by an authorized person to another person only in the circumstances and on the grounds laid down in Turkmenistan's legislation.

**Paragraph 1.4**

In accordance with article 61 of the Turkmenistan Civil Code of Saparmurat Turkmenbashi of 17 July 1998, the Ministry of Justice exercises State control over the legality of activities carried out by public organizations and funds. The Ministry of Justice revokes the registration if the public organization or fund has mainly converted to business activities or if its aims, as laid out in its by-laws, become impracticable.

Articles 18 and 19, chapter IV, of the Act on public associations in Turkmenistan, of 12 November 1991, concern monitoring of the activities of public organizations and liability for violations of legislation by such organizations.

*Article 18*
*Monitoring the activities of public organizations*

The organs of the General Prosecutor's Office are responsible for supervising compliance with legislation by public organizations.

The Ministry of Justice of Turkmenistan monitors compliance by a public association with the provisions of its by-laws concerning the aims of its activities and may, where necessary, request the public association's management to provide information on decisions adopted, send its representatives to participate in events held by the public association, receive clarifications from the members of the public association and other citizens on questions concerning compliance by the association with its by-laws.

State organs monitor the source of public associations' income, the amount of funds that they receive, and their payment of taxes pursuant to tax legislation.

*Article 19*
*Grounds for liability*

Liability is incurred for violating legislation on public associations under Turkmenistan legislation.

Officials of State and public bodies and citizens guilty of violating legislation on public associations are held liable for such violations.

Public associations, including those failing to register their by-laws, are held liable under the law for violating legislation on public associations.

If the public association carries out activities that extend beyond the limits of its purposes and aims as established in its by-laws, or that violate law, the Ministry of Justice of Turkmenistan or the General Prosecutor may issue a written warning to its management.

**Paragraph 1.6**

*The freezing of assets of persons who carry out or attempt to carry out terrorist acts*

In accordance with article 21 of the Act on commercial banks and bank activities, the monetary or other assets of juridical persons, including foreign ones, that are held in banks, may only be seized by decision of a court or investigative body, and a penalty may only be imposed on the basis of an enforcement order

handed down by a competent court, or at the request of the State tax inspectorates. The seizure of citizens' monetary or other assets held in banks and the imposition of a penalty may be carried out only on the basis of a sentence or decision handed down by a court. A citizen's monetary or other assets may be confiscated on the basis of a sentence that has acquired force of law, or an order for confiscation of property that has been issued in accordance with the law.

**Paragraphs 1.11 and 1.12**

Article 7 of the Act on refugees of 12 July 1997 establishes the conditions under which refugee status is not granted to a person, in respect of whom there are serious grounds to believe that he or she:

- Has committed a crime against peace, a military crime or a crime against humanity, as defined in international agreements drafted for the purpose of taking measures in respect of such crimes;
- Has committed a serious crime of a non-political nature outside Turkmenistan before being admitted to Turkmenistan as a refugee;
- Is guilty of committing acts that run counter to the purposes and principles of the United Nations.

In addition, refugee status is not granted to a person:

- Whose rights and obligations as a citizen of the State in which he or she resides are recognized and guaranteed by the competent authorities of that State,
- Who was present, before arriving in Turkmenistan, in a State in which he or she could have obtained asylum or official refugee status in accordance with established procedure.

In accordance with article 9 of the above-mentioned Act, a person shall lose refugee status if he participates in activities which constitute, on the basis of well-founded reasons, a threat to Turkmenistan's State security or social order, or if he participates in activities that run counter to the purposes and principles of the United Nations.

**Paragraphs 1.13, 1.14, 1.16 and 1.17**

**Act on the legal status of foreign nationals in Turkmenistan of 8 October 1993**

*Article 24*
*Entry into Turkmenistan*

A foreign national may be refused entry into Turkmenistan by the Ministry of Foreign Affairs of Turkmenistan and the State Service for the Registration of Foreign Nationals, including upon representations by the Ministry of Internal Affairs or the Ministry of National Security, or, if necessary, in coordination with other State authorities concerned:

1. In the interests of safeguarding national security or social order;

2. If necessary to protect the rights and lawful interests of the citizens of Turkmenistan and other persons;

3. If, during a previous stay in Turkmenistan, he was found to have violated legislation on the legal status of foreign nationals in Turkmenistan, or customs and currency legislation, or if he engaged in propaganda activities running counter to the interests of Turkmenistan;

4. If, upon submitting an application for entry, he provided false personal information or did not submit the necessary documents;

5. If the person has previously committed a crime in the territory of Turkmenistan;

6. On other grounds established under the legislation of Turkmenistan.

*Article 25*
*Departure from Turkmenistan*

The departure of a foreign national from Turkmenistan is not authorized by the Ministry of Foreign Affairs of Turkmenistan or the State Service for the Registration of Foreign Nationals, inter alia, upon representations by the Ministry of Internal Affairs or the Ministry of State Security, or, if necessary, in coordination with other State authorities concerned:

1. Before the completion of proceedings, if there are grounds for bringing criminal charges against him;

2. Before completion of or release from punishment, if he has been convicted of committing a crime;

3. While the circumstances preventing his departure still apply, if his departure runs counter to the interests of national security;

4. If there are other circumstances preventing his departure under the legislation of Turkmenistan.

A foreign national's departure from Turkmenistan may be delayed until he has fulfilled property obligations relating to the vital interests of citizens of Turkmenistan or other persons, or State, cooperative or other public organizations.

*Article 26*
*Transit passage*

Foreign nationals passing in transit through the territory of Turkmenistan proceed in compliance with the regulations on transit passage to the border point for departure from Turkmenistan along the established route and may stop in the territory of Turkmenistan if they possess a permit issued by the competent authorities in Turkmenistan.

Foreign nationals who have received the title of "Honorary Citizen of Turkmenistan" passing in transit through the territory of Turkmenistan may stop in the territory of Turkmenistan without a permit issued by the competent authorities of Turkmenistan.

*Article 28*
*Grounds for liability for violations of the law*

Foreign nationals who have committed crimes, or administrative or other violations of the law in the territory of Turkmenistan are equally liable under Turkmenistan law as nationals of Turkmenistan.

*Article 31*
*Expulsion from Turkmenistan*

A foreign national may be expelled from Turkmenistan:

1. If his actions run counter to the interests of safeguarding national security or maintaining social order;

2. If such is necessary to preserve the health of the population and public morals, or to protect the rights and legitimate interests of the citizens of Turkmenistan and other persons;

3. If he has flagrantly violated laws on the legal status of foreign nationals in Turkmenistan, or customs, currency or other laws of Turkmenistan.

A decision to expel a person from Turkmenistan is taken by internal affairs organs. The foreign national is required to leave Turkmenistan within the period specified in the decision. Persons seeking to avoid leaving in such cases are liable to detention by approval of the General Prosecutor, and forced expulsion. In such case, detention is permitted for the period required for expulsion.

**Act of Turkmenistan on the procedure for the departure from and entry into Turkmenistan of Turkmen citizens (15 June 1995)**

*Article 7*
*Grounds for temporary restrictions on the right to leave Turkmenistan*

A Turkmen citizen may be temporarily prohibited from leaving Turkmenistan if:

1. He has information that constitutes a State secret, until the circumstances preventing his departure cease to apply;

2. A criminal case has been instituted against him, until the completion of proceedings in the case;

3. He has been convicted of an offence, until he has served his sentence or been exempted from punishment;

4. He avoids fulfilling obligations imposed on him by a court, until the obligations have been fulfilled;

5. He has knowingly given false information about himself;

6. He is liable to conscription for military service, until he has completed the military service or been exempted therefrom as provided by law;

7. A civil suit has been brought against him in a court, until the completion of proceedings in the case.

The cases stipulated in paragraphs 1 to [illegible] of this article may constitute grounds for prohibiting the departure from Turkmenistan of a person departing to a permanent residence and in paragraphs 1 to 5 of section 1 of this article of a person departing for a temporary stay.

**Regulations on the procedure for granting permits for permanent residence in Turkmenistan, approved by decree No. 5833 of the President of Turkmenistan of 20 August 2002**

**III. Grounds for refusal to grant a Turkmen residence permit**

9. A foreign national or stateless person may be refused a Turkmen residence permit in the following cases:

(a) If he has committed a crime against humanity;

(b) If he has committed a serious crime or if a criminal case has been instituted against him;

(c) If his residence in the territory of Turkmenistan runs counter to the national security interests of Turkmenistan, may breach public order or cause damage to public morals in the State;

(d) If he is infected with HIV or a venereal or other disease included in the list drawn up by the Ministry of Health and the Medical Industry or is a drug addict;

(e) If he has knowingly given false information in order to obtain a Turkmen residence permit;

(f) If restrictions have previously been placed on [his right to] enter Turkmenistan, until the expiration of the restrictions.

**V. Procedure for declaring invalid and revoking Turkmen residence permits**

11. The Turkmen residence permit shall be declared invalid and revoked if the person:

(a) Knowingly gave false information when obtaining the Turkmen residence permit;

(b) Is convicted by judgement of a court of committing a serious premeditated offence;

(c) Provokes well-founded fears of a breach of public order or is a threat to the State's national security interests;

(d) Is a member of a terrorist, anti-State, extremist or other criminal organization, and in other cases stipulated by Turkmen legislation.

The State Foreign National Registration Service was established by decree No. 6133 of 21 February 2003 to improve State control of migration and strengthen monitoring of compliance with existing legislation on the entry into, departure from and stay in Turkmenistan of foreign nationals and stateless persons. The Service's main tasks are:

- Controlling and preventing illegal migratory flows and the adverse effects thereof;

- Creating a data bank (centre) of information on the migratory process and introducing an automated data-processing system to facilitate monitoring and utilization of the information;
- Coordinating the activities of national and international organizations in settling migration issues;
- Preventing discrimination, ensuring respect for human rights and taking account of national customs and traditions in deciding migration issues;
- Issuing entry and exit visas;
- Protecting the home labour market and monitoring compliance by foreign enterprises, foreign nationals and stateless persons with Turkmen legislation on migration issues;
- Preparing materials relating to the acquisition, restoration and surrender of Turkmen citizenship, granting Turkmen residence permits and issuing relevant documents;
- Accounting for and registering persons who receive Turkmen residence permits;
- Safeguarding national security and protecting Turkmen interests in the field of migration.

In accordance with paragraph 18 of the *Regulations on the procedure for the entry into, departure from and stay in Turkmenistan of foreign nationals*, approved by decree No. 6135 of the President of Turkmenistan of 21 February 2003, registration of foreign nationals takes place in the organs of the State Foreign National Registration Service:

- At migration control points on the State border of Turkmenistan;
- In the Service's subdivisions in the regions (*velayats*).

Registration of foreign nationals arriving in Turkmenistan under the simplified procedure for [stays of] up to five days is carried out solely at migration control posts. Foreign nationals arriving in Turkmenistan under the simplified procedure must leave Turkmenistan via the migration control post through which they entered.

Registration of foreign nationals travelling in transit through the territory of Turkmenistan is carried out solely at migration control posts if the duration of their stay in Turkmenistan does not exceed five days.

In article 56 of section 1 of the Minsk Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Cases, of 22 January 1993, signed by the countries of the Commonwealth of Independent States (CIS), the Contracting Parties *pledge* to extradite to one another for criminal prosecution persons present in their territories. The Contracting Parties thus have a *duty*, under these international instruments, to extradite to one another persons who have committed offences, including terrorist acts. These international instruments contain comprehensive lists of the grounds for refusal to extradite, in articles 57 and 19 respectively. They do not recognize any political motives as grounds for refusal to extradite.

On the basis of the above-mentioned articles 57 and 19, Turkmenistan may refuse to extradite a terrorist: (1) if he is a citizen of Turkmenistan (in such case,

under article 72 of the Minsk Convention, Turkmenistan must prosecute him on behalf of the other party); (2) if, under Turkmen legislation, the statute of limitations for the offence committed by him has expired; (3) if he has already been tried in Turkmenistan for the same offence or a decision has been taken to terminate the proceedings in the case.

The answer to the question of whether Turkmenistan applies the "prosecute or extradite" principle of international law is thus in the affirmative.

It should be noted that, to date, the Office of the Prosecutor General has not received from other States any requests for the extradition of terrorists (extradition issues are dealt with by the Prosecutor General).

As to the legal provisions stipulating the grounds for providing mutual legal assistance in general and, in particular, in criminal cases, such assistance is provided both on the basis of international agreements and on the grounds of reciprocity (in the case of States with which Turkmenistan has not concluded agreements on mutual assistance).

In the event that the State border of Turkmenistan is violated, under existing Turkmen legislation, the border violator is liable to both administrative and criminal penalties. In conformity with article 214 of the Criminal Code, the illegal crossing of the State border with criminal intent is punishable by up to five years' imprisonment.

In the event that the State border is crossed illegally for the purpose of moving across it goods or other items which are prohibited from being exported from or imported into Turkmenistan, the perpetrators are prosecuted under article 254 (Smuggling) of the Criminal Code, which stipulates penalties for this act in the form of fines or imprisonment for 5 to 10 years, depending on the seriousness of the offence committed.

If suspicion arises as to the authenticity of the identity papers and travel documents of persons crossing the State border, the border control organs of the State Border Service of Turkmenistan employ special technical equipment for more thorough examination of the documents presented. If instances of counterfeiting, forgery or fraudulent use of identity papers and travel documents are uncovered, the persons presenting them are liable to arrest, with border violators subsequently being transferred to the law enforcement agencies of Turkmenistan. Based on the outcome of appropriate measures which are carried out, the category and degree of the violation are determined, after which the measures stipulated in Turkmen legislation are applied to the persons who have committed the violation of the rules on crossing the State border at passage points.

Turkmenistan is a party to the following international counter-terrorist instruments:

International Convention against the Recruitment, Use, Financing and Training of Mercenaries (Decision No. 158-1 of the Majlis (Parliament) of Turkmenistan of 18 June 1996);

Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (Decision No. 267-1 of the Majlis (Parliament) of Turkmenistan of 24 December 1997);

International Convention for the Suppression of Terrorist Bombings (Decision No. 365-1 of the Majlis (Parliament) of Turkmenistan of 30 April 1999);

Convention on Offences and Certain Other Acts Committed on Board Aircraft (Decision No. 366-1 of the Majlis (Parliament) of Turkmenistan of 30 April 1999);

Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Decision No. 367-1 of the Majlis (Parliament) of Turkmenistan of 30 April 1999);

Convention for the Suppression of Unlawful Seizure of Aircraft (Decision No. 368-1 of the Majlis (Parliament) of Turkmenistan of 30 April 1999);

Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (Decision No. 369-1 of the Majlis (Parliament) of Turkmenistan of 30 April 1999);

Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (Decision No. 370-1 of the Majlis (Parliament) of Turkmenistan of 30 April 1999);

Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (Decision No. 371-1 of the Majlis (Parliament) of Turkmenistan of 30 April 1999);

International Convention against the Taking of Hostages (Decision No. 373-1 of the Majlis (Parliament) of Turkmenistan of 30 April 1999);

Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Decision No. 374-1 of the Majlis (Parliament) of Turkmenistan of 30 April 1999).

Turkmenistan has concluded bilateral agreements and treaties with the following States:

Treaty between Turkmenistan and Georgia on the Mutual Provision of Legal Assistance in Civil and Criminal Cases (20 March 1996);

Treaty between Turkmenistan and the Republic of Uzbekistan on Legal Assistance and Legal Relations in Civil, Criminal and Family Cases (27 November 1996);

Treaty between Turkmenistan and the Republic of Armenia on Legal Assistance and Legal Relations in Civil, Criminal and Family Cases (29 November 2000);

Agreement between the Government of Turkmenistan and the Government of the Islamic Republic of Iran on the Mutual Provision of Legal Assistance in Criminal Cases (11 March 2003);

Treaty between Turkmenistan and the Russian Federation on the Transfer of Persons Sentenced to Imprisonment to Serve Out Their Sentences (18 May 1995).

Turkmenistan is a party to the Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Cases, signed within the framework of CIS on 22 January 1993 in Minsk (the Convention entered into force for Turkmenistan on 21 January 1998).

In addition, it should be noted that, on 30 December 2002, the People's Council of Turkmenistan passed a resolution in which the Majlis (Parliament) of Turkmenistan recommended the elaboration of a draft special act of Turkmenistan on combating terrorism. The Act of Turkmenistan on combating terrorism (15 August 2003) was adopted at the 14th meeting of the People's Council of Turkmenistan.

This Act defines the legal and organizational bases for combating terrorism in Turkmenistan, the modus operandi of and procedure for cooperation among State agencies, organizations — irrespective of the form of ownership — and public associations in combating terrorism and the rights and duties of and safeguards for citizens with respect to efforts to combat terrorism.

The main aims of counter-terrorism are the protection of the individual, society and the State from terrorism; the prevention, detection and suppression of terrorist activity and the minimization of its consequences; the identification and elimination of causes and conditions conducive to terrorist activity.

The Act covers various areas of counter-terrorism and includes, inter alia, provisions regulating international cooperation by Turkmenistan in combating terrorism and the responsibility of individuals and organizations for involvement in terrorist activity and so forth.

## Criminal Code of Turkmenistan of 12 June 1997

**Part I**
**Criminal law of Turkmenistan**

**Section 2**
**Applicability of criminal law in time and space**

*Article 7*
*Criminal law in respect of persons who have committed crimes in the territory of Turkmenistan*

1. Persons who have committed crimes in the territory of Turkmenistan shall be subject to liability under Turkmenistan's criminal law.

2. Crimes committed within Turkmenistan's territorial waters or airspace shall be considered as having been committed in the territory of Turkmenistan. The Criminal Code shall also apply to crimes committed on the continental shelf and in the maritime economic zone of Turkmenistan.

3. A person who has committed a crime on board a vessel registered in a port of Turkmenistan and situated in the water space or airspace beyond its borders shall be liable under Turkmenistan's criminal law, unless otherwise provided for under an international treaty to which Turkmenistan is a party.

4. When a crime is committed in the territory of two or more States, liability shall be incurred under Turkmenistan's criminal law if the crime is halted or suppressed in the territory of Turkmenistan.

5. The question of the criminal liability of diplomatic representatives of foreign States and other persons who enjoy immunity when such persons commit a

crime in the territory of Turkmenistan shall be resolved on the basis of the norms of international law and the international treaties to which Turkmenistan is a party.

*Article 8*
*Criminal law in respect of persons who have committed crimes outside Turkmenistan*

2. Foreign nationals and stateless persons who are not permanently residing in Turkmenistan shall be subject to liability under the criminal law of Turkmenistan for a crime committed outside Turkmenistan if the crime was directed against Turkmenistan or its citizens and also in the cases provided for under international treaties to which Turkmenistan is a party, if they have not been convicted in a foreign State and have been charged with criminal liability in the territory of Turkmenistan.

*Article 9*
*Extradition of persons who have committed a crime*

1. Citizens of Turkmenistan who have committed a crime in the territory of a foreign State shall not be subject to extradition to that State.

2. Foreign nationals and stateless persons who have committed a crime outside Turkmenistan and are situated in the territory of Turkmenistan may be extradited to a foreign State for criminal prosecution or to serve a sentence in accordance with the international treaties to which Turkmenistan is a party and the agreements, conventions and other international legal documents to which Turkmenistan has acceded.

**Part VIII**
**Crimes against peace and the security of mankind**

**Section 21**
**Crimes against peace and the security of mankind**

*Article 167*
*War propaganda*

War propaganda, that is, the dissemination through the mass media or by some other means of calls for a war of aggression shall be punishable by corrective labour for up to two years or imprisonment for up to five years.

*Article 168*
*Genocide*

Genocide, that is, premeditated acts committed for the purpose of the total or partial annihilation of any national, ethnic, racial or religious group and involving the murder of members of such a group, the infliction of bodily injury, the creation of life-threatening conditions directed at their total or partial physical annihilation, the forced reduction of childbearing or the forced transfer of children from one group of people to another, as well as the issuing of orders to commit such actions, shall be punishable by imprisonment for 15 to 25 years.

*Article 169*
*Mercenarism*

1. The recruitment, training, financing or other material support of mercenaries, as well as their use in armed conflict or other military actions shall be punishable by imprisonment for 3 to 8 years.

2. The participation of mercenaries in armed conflict or military actions shall be punishable by imprisonment for 5 to 10 years.

*Note: A mercenary is defined as a person who acts in order to obtain material compensation, is not a national of a State participating in the armed conflict or military actions, is not a permanent resident in its territory, and has not been sent to carry out official duties.*

*Article 170*
*Attacks on persons enjoying international protection*

1. Attacks against representatives of foreign States or officials of international organizations enjoying international protection, or the official premises, housing or means of transport of persons enjoying international protection, if such actions are directed at provoking war or complicating international relations, shall be punishable by imprisonment for 5 to 10 years.

2. The same acts, causing a person's death, or other serious consequences, shall be punishable by imprisonment for 10 to 25 years.

**Part XI**
**Crimes in the economic sphere**

**Section 27**
**Crimes in violation of regulations governing economic activities**

*Article 242*
*Legalization of monetary assets or other property obtained illegally*

1. The carrying out of financial operations and other transactions using monetary assets or other property knowingly obtained illegally, as well as the use of the aforementioned assets or property to conduct entrepreneurial or other economic activities shall be punishable by a fine of 50 to 100 times the average monthly wage or by corrective labour for up to two years or imprisonment for up to two years.

2. The same acts, when committed:

(a) Repeatedly;

(b) By a group of persons on the basis of prior agreement or an organized group;

(c) By a person using his official position

– shall be punishable by imprisonment for 2 to 5 years, with or without confiscation of property.

*Article 254*
*Smuggling*

1. Smuggling, that is, the large-scale transfer across the customs border of Turkmenistan of goods or other items for which special rules have been established regarding their transfer across the customs border of Turkmenistan, with the exception of the goods and items referred to in paragraph 3 of this article, carried out without the knowledge of or in concealment from customs inspectors or through the fraudulent use of documents or means of customs identification, or involving the failure to make a declaration or the making of a false declaration, shall be punishable by a fine of 25 to 50 times the average monthly wage or corrective labour for up to two years or imprisonment for up to three years, with or without confiscation of property.

2. The act referred to in paragraph 1 of this article committed:

(a) Repeatedly;

(b) By a group of persons on the basis of prior agreement or an organized group;

(c) By an official using his position or by a person exempt from customs inspections;

(d) With the use of violence against a person conducting customs inspections

– shall be punishable by imprisonment for 2 to 5 years, with or without confiscation of property.

3. The transfer across the customs border of Turkmenistan of narcotic drugs, psychotropic, virulent, toxic, poisonous or radioactive substances, explosives, arms, explosive devices, firearms or ammunition, nuclear, chemical, biological and other types of weapons of mass destruction, materials and equipment that may be used to produce weapons of mass destruction and for which special rules have been established regarding their transfer across the customs border of Turkmenistan, strategically important raw materials, and valuable cultural artefacts for which special rules have been established regarding their transfer across the customs border of Turkmenistan, if such act is committed without the knowledge of or in concealment from customs inspectors or through the fraudulent use of documents or means of customs identification, or involves the failure to make a declaration or the making of a false declaration, shall be punishable by imprisonment for 3 to 8 years, with or without confiscation of property.

4. The act referred to in paragraph 3 of this article committed:

(a) Repeatedly;

(b) By a group of persons on the basis of prior agreement or an organized group;

(c) By an official using his position or by a person exempt from customs inspections;

(d) With the use of violence against a person conducting customs inspections

– shall be punishable by imprisonment for 5 to 10 years, with or without confiscation of property.

*Note: The act referred to in paragraph 1 of this article is deemed to have been committed on a large scale if the value of the goods transferred is more than 30 times the average monthly wage.*

**Part XII**
**Crimes against public security and public health**

**Section 29**
**Crimes against public security and social order**

*Article 271*
*Terrorism*

1. Terrorism, that is, causing an explosion or fire or other acts that jeopardize human life, cause significant property damage or have other dangerous consequences for society, where those acts are committed to violate public security, cause panic or influence decision-making by government authorities, including the threat to commit such acts for those purposes, shall be punishable by imprisonment for 5 to 10 years.

2. Those same acts, when committed:

(a) Repeatedly;

(b) With the use of firearms;

(c) By a group of people on the basis of prior agreement

– shall be punishable by imprisonment for 8 to 15 years.

3. If the acts described in paragraphs 1 and 2 of this article cause death or are committed by an organized group or a criminal organization, they shall be punishable by imprisonment for 10 to 25 years.

*Note: A person who has participated in the preparation of an act of terrorism is exempted from criminal liability if he has provided a timely warning to the authorities or by some other means has helped to prevent an act of terrorism and if he has not committed other offences.*

*Article 272*
*Provision of deliberately false information about a terrorist act*

The provision of deliberately false information about an imminent explosion or act of arson or other actions that create the danger of loss of life, extensive property damage or other dangerous consequences for society shall be punishable by corrective labour for up to two years or imprisonment for up to two years.

*Article 273*
*Organization of an illegal armed unit or participation therein*

1. The establishment of an armed unit not provided for in the legislation of Turkmenistan and the leadership of such a unit shall be punishable by imprisonment for 3 to 8 years.

2. Participation in an illegal armed unit shall be punishable by imprisonment for up to five years.

*Note: A person who ceases voluntarily to participate in an illegal armed unit and surrenders his weapon is exempted from criminal liability provided that he has not committed other offences.*

*Article 274*
*Banditry*

1. The establishment of a standing organized armed group (band) for the purpose of attacking citizens or organizations, the leadership of such a group (band) and participation in attacks committed by a band shall be punishable by imprisonment for 10 to 25 years, with or without confiscation of property.

2. Participation in an armed group (band) shall be punishable by imprisonment for 5 to 15 years, with or without confiscation of property.

*Article 275*
*Organization of a criminal association or participation therein*

1. The establishment of a criminal association for the purpose of committing serious or especially serious offences, and the leadership of such an association shall be punishable by imprisonment for 8 to 15 years, with or without confiscation of property.

2. Participation in a criminal association shall be punishable by imprisonment for 3 to 10 years, with or without confiscation of property.

*Article 287*
*Illegal acquisition, sale, possession, transport, sending or bearing of weapons, ammunition, explosives or explosive devices*

1. The illegal acquisition, sale, possession, transport, sending or bearing of firearms, ammunition, explosives or explosive devices shall be punishable by imprisonment for up to five years.

2. The same acts committed by a group of persons on the basis of prior agreement or on repeated occasions shall be punishable by imprisonment for 2 to 7 years.

3. The acts referred to in paragraphs (1) and (2) of this article committed by an organized group or a criminal association shall be punishable by imprisonment for 5 to 10 years.

4. The illegal sale or bearing of daggers, Finnish knives or other edged weapons, including throwing-weapons, and the illegal sale of gas pistols, gas cylinders or other gas weapons shall be punishable by a fine of 25 to 50 times the average monthly wage or by corrective labour for up to two years or by imprisonment for up to two years.

*Note: A person who voluntarily surrenders items referred to in this article is exempted from criminal liability provided that he has not committed other offences.*

*Article 288*
*Illegal manufacture of weapons*

1. The illegal manufacture or repair of firearms or firearm spare parts, and the illegal manufacture of ammunition, explosives or explosive devices shall be punishable by imprisonment for up to three years.

2. The same acts committed by a group of persons on the basis of prior agreement or on repeated occasions shall be punishable by imprisonment for 2 to 5 years.

3. The illegal manufacture of gas weapons, daggers, Finnish knives or other edged weapons, including throwing-weapons, shall be punishable by corrective labour for up to two years or by imprisonment for up to three years.

*Note: A person who voluntarily surrenders items referred to in this article is exempted from criminal liability provided that he has not committed other offences.*

*Article 290*
*Failure to properly implement obligations in respect of the possession of weapons, ammunition, explosives or explosive devices*

The failure to properly implement obligations on the part of a person entrusted with the possession of firearms, ammunition, explosives or explosive devices, if it has led to their theft or destruction, or to other serious consequences, shall be punishable by corrective labour for up to two years or imprisonment for up to two years.

*Article 291*
*Theft or extortion of weapons, ammunition, explosives or explosive devices*

1. The theft or extortion of firearms, firearm spare parts, ammunition, explosives or explosive devices shall be punishable by imprisonment for 3 to 8 years.

2. The same acts, if committed:

(a) By a person who has been entrusted with weapons, ammunition, explosives or explosive devices in connection with his official status, or who is responsible for guarding them;

(b) Repeatedly;

(c) By a group of persons on the basis of prior agreement;

(d) With the use of force that does not endanger life or health

– shall be punishable by imprisonment for 5 to 10 years.

3. The acts referred to in paragraphs (1) and (2) of this article, if committed with use of force that does not endanger life or health, by an organized group or criminal association, shall be punishable by imprisonment for 8 to 15 years.